

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1: 01 CR 00408
)	
PLAINTIFF)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
NATHANIEL MCKINNEY)	MEMORANDUM OPINION
)	AND ORDER
DEFENDANT)	
)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge James S. Gallas regarding the supervised released violation asserted against the Defendant. See (Dkt. # 282). The case was referred to Magistrate Judge Gallas to conduct revocation proceeding pursuant to FED. R. CRIM. P. 32.1 except sentencing. See (Dkt. # 282).

On December 9, 2005, Magistrate Judge Gallas filed his report recommending that the Court find the Defendant had violated the terms of his supervised release and proceed with sentencing. See (Dkt. # 282 at 2). No objections were filed to the report.

The Court has reviewed, *de novo*, the report and recommendation of the Magistrate Judge. The Court found that the report and recommendation was well-supported and without objection. Therefore, the Court **ADOPTED** Magistrate Judge Gallas's report and recommendation.

The Defendant appeared before the Court on January 11, 2006 for sentencing represented by counsel Joseph Gardner. Assistant United States Attorney Linda H. Barr appeared on behalf of the Government.

The Court considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The Court further considered the factors listed in 18 U.S.C. § 3553(a).

The Court went on to determine that the appropriate advisory guideline revocation range of imprisonment was eight to fourteen months for the Grade C violations to which the Defendant admitted. U.S.S.G. § 7B1.4 (a). Additionally, the Court considered the statements of the Defendant, his counsel, and the Assistant United States Attorney regarding sentencing.

Upon consideration therewith, the Court ordered that the Defendant's term of supervised release be **CONTINUED** and that he be released from custody.

IT IS SO ORDERED.

/s/ Peter C. Economus - January 11, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE